

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re:	Aiping H. Young	Confirmation No:	8794
Serial No:	10/821,649	Group:	1626
Filed:	April 8, 2004	Examiner:	Not Yet Assigned
For:	Biological Response Modifier for the Treatment of Cancer		
Customer No.:	29127		
Attorney Docket No.	0018.0024.cip		

**PETITION UNDER 37 CFR 1.53(e)**

VIA FACSIMILE: 703-872-9306

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to Notice to File Missing Parts of Nonprovisional Application mailed on August 20, 2004 (copy attached), Applicant responds and submits as follows.

With regard to page 29 of the specification, Applicant asserts that it was not omitted, but submitted with the specification on the filing date of April 8, 2004. In accordance with MPEP 601.01(d) and MPEP 503, Applicant encloses a copy of the itemized return postcard stamped by the Patent Office, acknowledging the receipt of 46 pages of the specification, including claims and abstract. The pages are consecutively numbered 1 through 46, which could not have been the case without page 29. A copy of page 29 as submitted with the application on the filing date of April 8, 2004 is enclosed with this petition. It is respectfully requested that page 29 be entered in the application as submitted on the filing date of April 8, 2004.

Application No.: 10/821,649

The Patent Office is authorized to charge the required petition fee under 37 CFR 1.17(h) to our deposit account 502233. Refund of the petition fee to the same deposit account is also requested.

A copy of this Petition is being sent along with Applicant's response to the Notice to File Missing Parts by facsimile to Mail Stop Missing Parts.

Respectfully submitted,

HOUSTON ELISEEVA LLP

By Maria Eliseeva  
Maria M. Eliseeva  
Registration No.: 43,326  
4 Militia Drive, Ste. 4  
Lexington, MA 02421  
Tel.: 781 863 9991  
Fax: 781 863 9931

Date: October 20, 2004

## Patent Application Transmittal

Date: April 8, 2004

Attorney Docket No: 0018.0024cip

Atty/sec: MME/dlc

Inventors: *A. Young*Title: *Biological Response  
Modifiers for the ...*This is to acknowledge receipt of ☐ NEW ☒ CONTINUATION-IN-PART APPLICATION  
as follows:

- ☒ Utility Patent Application Transmittal ☐ Fee Transmittal (w/copy)  
☒ 28 Sheets of ☒ Formal ☐ Informal Drawings (Figs. )  
☐ Credit Card Form PTO-2038 w/copy ☐ includes Assignment recordal fee  
☒ Application Data Sheet (2 pages)  
☒ Specification - Total pages *46* including *8* pages of claims and 1 abstract  
☐ Executed Declaration/Power of Attorney Total pages:  
☐ Assignment/Recordation cover sheet  
☐ Other: \_\_\_\_\_  
☐ Authorization to Charge all Fees ☐ includes Assignment recordal fee  
☐ Information Disclosure Statement w/1449  
☒ Continuation-in-Part of Application No. *10/416,259* 17510 U.S. PTO  
☐ Claims benefit of U.S. Provisional Application No. *10/821649*

EXPRESS MAIL NO:

EV413603221US



040804